



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

August 20, 2021

Mr. Michael Boyas
Boyas Excavating
11311 Rockside Road
Valley View, OH 44125

**Re: Boyas Excavating Nicky Blvd LF
Director's Authorization
Approval
Residual Solid Waste Landfills
Cuyahoga County
RSWL019874**

**Subject: Ohio Administrative Code (OAC) Rule 3745-30-08(F)
Corrective Measures Plan Approval**

Dear Mr. Boyas:

On June 14, 2021, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled *Ground Water Corrective Measures Plan*, revised June 2021, for the Boyas Excavating Nicky Blvd. Landfill (facility) located in Cuyahoga County. The document was submitted by HZW Environmental Consultants, LLC (HZW), on behalf of the facility.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-30-08(F)(1), the owner/operator shall submit a Corrective Measures Plan (CMP) not later than 180 days after making the determination in accordance with paragraph (E)(2) of this rule, or not later than 180 days after submitting a request in accordance with paragraph (E)(7) of this rule.

The CMP describes provisions for semiannual groundwater sampling in order to meet paragraphs: (F)(1), (F)(8), (F)(9) and (F)(10) of OAC Rule 3745-30-08 and for determining that the ground water remediation standards (GWRSs) required by OAC Rule 3745-30-08 are met. OAC Rule 3745-27-08(F)(6) requires that the CMP propose a GWRS for each waste-derived constituent detected at a concentration above background in the ground water. The CMP submitted June 14, 2021 complies with the requirements contained in paragraphs (F)(1), (F)(3), and (F)(6) of OAC Rule 3745-30-08, including the requirement to be protective of human health and safety and the environment. Specifically, the CMP includes provisions for semiannual sampling and analysis of ground water and a concentration level (GWRS) for each waste-derived constituent detected in ground water.

The following table presents the waste-derived constituents with their associated GWRS for each of the impacted Significant Zone of Saturation (SZS) Unit C units beneath the facility and the source of each standard.

**Boyas Excavating Nicky Blvd. Landfill
Ground Water Remediation Standards (GWRS)**

Waste- Derived Constituent	GWRS	Basis for GWRS
SZS Unit C		
Antimony	0.006 mg/L	MCL
Ammonia	10.08 mg/L	2x Highest Background Concentration
Arsenic	0.021 mg/L	Highest Background Concentration
Barium	2.0 mg/L	MCL
Calcium	492 mg/L	2x Highest Background Concentration
Chloride	2,280 mg/L	2x Highest Background Concentration
COD	308 mg/L	2x Highest Background Concentration
Fluoride	2.4 mg/L	2x Highest Background Concentration
Gross Alpha	15 pCi/L	MCL
Gross Beta	106 pCi/L	Highest Background Concentration
Iron	23.2 mg/L	2x Highest Background Concentration
Lead	0.015 mg/L	Action Level
Magnesium	121.4 mg/L	2x Highest Background Concentration
Nitrate/Nitrite	10 mg/L	MCL
Potassium	145.4 mg/L	2x Highest Background Concentration
Sodium	1,186 mg/L	2x Highest Background Concentration
Total Alkalinity	2,300 mg/L	2x Highest Background Concentration
Total Dissolved Solids	7,700 mg/L	2x Highest Background Concentration
Vanadium	0.086 mg/L	RSL
Zinc	2.0 mg/L	HAL
Note: Action Level = The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow RSL= Regional Screening Level for Residential Tap water (May 2021) HAL = Health Advisory Level MCL = Maximum Contaminant Level		

The CMP describes monitored natural attenuation as the only practical remedial alternative.

There is currently limited risk to human health or the environment outside of the property considering:

- The impact of waste-derived parameters in ground water in the SZS Unit C extends less than about 500 feet off the facility's property onto the adjacent Village of Cuyahoga Heights property to the southwest and the New York Central Lines property to the south.
- Review of Ohio Department of Natural Resources (ODNR) and Cuyahoga County Board of Health (CCBH) did not identify any potable use wells within a half-mile radius of the facility. Village of Cuyahoga Heights ordinances (Code 1442.12 and Code 1492.11(B)) require tie-in to the municipal water supply (Cleveland).
- The unnamed stream that Unit C discharges into has been mostly culverted and filled as part of a slope stability storm sewer extension project currently ongoing, and the remaining un-culverted portion of that unnamed stream adjacent to the facility is planned to be culverted/filled with completion of the project.

Based on the information contained in the facility's June 2021 *Ground Water Corrective Measure Plan*, and pursuant to paragraph (F)(7) of OAC Rule 3745-30-08, I have selected the corrective measure described in that plan: monitored natural attenuation. Boyas Excavating Nicky Boulevard Landfill shall implement the facility's June 2021 *Ground Water Corrective Measures Plan*.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Al Muller, DMWM, NEDO at (330) 963-1211.

Sincerely,



Laurie A. Stevenson
Director

AJM/LAS/sc

ec: Eric Adams, Ohio EPA, DMWM, NEDO
Jarnal Singh, Ohio EPA, DMWM, NEDO
Bill Lutz, Ohio EPA, DMWM, NEDO
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Michael Boyas, Boyas Excavating
Cynthia Rhyner, legal counsel for Boyas Excavating
Dwight Williams, HZW